

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MARION ARNOLD	§	
VS.	§	CIVIL ACTION NO. 6:18cv611
WILLIAM JONES, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Marion Arnold, a former inmate within the Texas prison system proceeding *pro se*, filed this numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On December 13, 2021, Judge Mitchell issued a Report, (Dkt. #33), recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for the failure to prosecute. A copy of this Report was mailed to Plaintiff at his last-known address, return receipt requested. The United States Postal Service tracking system denotes that the Report was picked up from the post office on December 29, 2021. However, to date, objections to the Report have not been filed.

Because objections to Judge Mitchell’s Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass*, 79 F.3d at 1430.

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

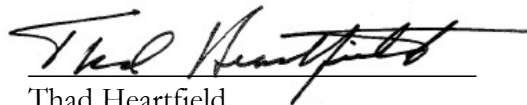
(1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that that the Report of the United States Magistrate Judge, (Dkt. #33), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Plaintiff's civil rights action is **DISMISSED**, without prejudice, for Plaintiff's failure to prosecute his own case.

ORDERED that any and all pending motions which may be pending in this case are hereby **DENIED** as **MOOT**.

SIGNED this the **18** day of **January, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge